



**California Environmental Protection Agency
Department of Toxic Substances Control**



Fact Sheet

**Universal Waste Rule: Emergency Regulations
Rules for Generators**

3/7/00

The Department of Toxic Substances Control (DTSC) has developed this fact sheet to provide information and guidance on new regulations addressing "universal wastes". These regulations were adopted in March, 2000, on an emergency basis. They will remain effective on an interim basis until permanent regulations for universal wastes are completed.

Purpose of this Fact Sheet

This factsheet will familiarize the reader with the concept of "universal waste" and the regulatory requirements applicable to businesses under the emergency regulations. It is not intended to replace the universal waste regulations. All handlers of universal waste must obtain a copy of the hazardous waste control statutes and regulations, including the universal waste regulations, and comply with the detailed standards applicable to their activities. Note that the legal citations found in parentheses refer to Title 22, California Code of Regulations (CCR), Division 4.5.

I. What has happened?

DTSC has adopted emergency regulations designating several commonly used materials as "universal wastes" when they are disposed. The emergency regulations are found in Title 22, California Code of Regulations (CCR), Division 4.5. The emergency regulations offer a simple and efficient set of regulations for disposal of "universal wastes". Prior to the emergency regulations, universal wastes were subject to the full hazardous waste requirements.

II. What are "universal wastes"?

A. How are wastes designated as universal wastes?

Universal wastes are lower risk hazardous wastes that are generated by a wide variety of people rather than the industrial businesses which primarily generate other hazardous wastes. The federal government has designated wastes as "universal wastes" in regulations adopted by the United States Environmental Protection Agency. In the State of

California, wastes became universal wastes when DTSC defined them in the State's regulations as a "universal waste."

B. What wastes has DTSC designated as universal wastes?

In the recent emergency regulations, DTSC designated the following wastes as universal wastes:

1. Hazardous waste thermostats: These are thermostats that contain small glass capsules of mercury, a shiny liquid metal, to make electrical contact. Not all thermostats are universal waste. Modern, fully electronic, thermostats that do not contain mercury are not universal wastes.
2. Hazardous waste batteries: Virtually all batteries that exhibit a characteristic of a hazardous waste including rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries (burglar alarm and emergency light batteries), most alkaline batteries, carbon-zinc batteries which also exhibit the characteristic of corrosivity, and any other batteries which exhibit a characteristic of a hazardous waste (title 22, CCR, section 66261.20 through 66261.24). However, spent lead acid storage batteries of the automotive type may not be managed as universal waste. They are regulated under Title 22, CCR, division 4.5, chapter 16, article 7.
3. Hazardous waste lamps: Lighting wastes which exhibit a characteristic of a hazardous waste. Not all lamps exhibit a characteristic of a hazardous waste. For instance, incandescent light bulbs would not be expected to exhibit a characteristic of a hazardous waste. Universal waste lamps include most (but not all) fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamps which exhibit a characteristic of a hazardous waste.

III. Am I Subject to these Regulations?

If you generate spent universal wastes and you are not exempt you must comply with these regulations for management of your universal wastes. Persons who are exempt are:

- Households: Universal wastes generated by persons maintaining their home are exempt and may be disposed in non-hazardous municipal solid waste (trash), unless forbidden by the local solid waste authorities.
- Conditionally exempt small quantity universal waste generators: The smallest hazardous waste generators may continue to dispose of their universal wastes in

the non-hazardous municipal solid waste (trash), unless forbidden by the local solid waste authorities. You are exempt if:

Your generation of total hazardous waste (including universal waste) in any calendar month is less than 100 kilograms (220 pounds); and

You do not generate more than 1 kilogram (2.2 pounds) of any waste identified as an “acutely hazardous waste” or an “extremely hazardous waste” in Title 22, Division 4.5, Chapter 11.

IV. Where may I send my universal wastes?

Universal wastes may be sent to one of three types of destination:

- Another handler of universal waste. Examples include offsite consolidation points operated by your organization or another business. For example:

A business with many locations can designate one location as the consolidation point for the universal wastes from all their locations.

You (and other businesses) may send your universal wastes to another business that specializes in collecting, consolidating, and shipping universal wastes to a proper destination facility.

- A hazardous waste land disposal facility.
- A hazardous waste recycling facility.

Unless you are exempt from these rules (see III above), you may not send universal waste to:

- A municipal solid waste (garbage) landfill
- A non-hazardous waste recycling center

No person may dispose of universal wastes in a location which is not approved for disposal of waste. Disposal on roadsides or in ditches is illegal and a serious crime.

V. What rules must I follow to manage my universal wastes?

You must follow the rules for either *large quantity handlers of universal waste* or for *small quantity handlers of universal waste*. You are a large quantity handler of universal waste if you have more than 5,000 kilograms (5.5 tons) of universal waste onsite (at any one place of business) at any one time. *Large quantity handlers of universal waste* are subject to more stringent standards for handling their universal waste. However, very few well-run business that are not in the business of collecting universal wastes will ever accumulate 5000 kilograms of universal waste at any one time.

Most universal waste handlers will be *small quantity handlers of universal waste*. The rules for small quantity handlers of universal waste are found in Title 22, CCR, division 4.5, chapter 23. The begin with section 66273.10 and go through section 66273.20. A summary of the requirements is found below. However, small quantity handlers of universal waste are required to comply with the regulations, not with this short summary.

- The small quantity handler of universal waste may not dispose of universal waste (they may send universal waste to a person who is authorized to dispose of universal waste). The small quantity handler of universal waste may not treat universal waste except for cleaning up releases, removing mercury containing ampules from thermostats, and removing electrolyte from batteries (section 66273.11).
- A small quantity handler of universal waste may accumulate less than 5,000 kilograms of universal waste at any one time. A small quantity handler of universal waste is not required to obtain a hazardous waste Identification number. A small quantity handler may accumulate and store universal waste for up to one year after the small quantity handler of universal waste generates or receives the waste. In some cases, more time is allowed (section 66273.15). If you feel that you need more time, contact your Certified Unified Program Agency (CUPA) well before your oldest universal waste reaches one year.
- A small quantity handler of universal waste must label universal wastes with the date that they are generated (section 66273.14). This date is the date that the small quantity handler of universal waste accepts the universal waste, that a universal waste is discarded after being "used up", or when the generator decides to discard the universal waste). The regulations contain several options for labeling. The intent of the label is that emergency response personnel or an inspector can identify the universal waste and an inspector can determine from the label if all universal wastes are being shipped offsite within the one year time period.

- A small quantity handler of universal waste may carry out limited treatment activities. These activities are described in section 66273.13.
- A small quantity handler of universal waste must clean up any releases such as leaking batteries or broken fluorescent tubes and manage the clean up wastes as hazardous wastes (if they are identified as hazardous waste under the law (sections 66273.13 and 66273.17)).
- A small quantity handler of universal waste must train employees in proper management of universal waste. This training must cover how to properly handle, package, store and label the universal waste as well as how to respond to releases (section 66273.16). However, this training may be accomplished by such simple methods as giving employees written instructions or posting these instructions in the universal waste management areas of the building.
- A small quantity handler of universal waste must determine if their universal waste is a hazardous material under the United States Department of Transportation (U.S. DOT) rules. If the universal waste is a U.S. DOT hazardous material, the small quantity handler must properly mark the packaging and placard the transportation vehicle. The applicable U.S. DOT regulations are found in Title 49 CFR Parts 171 through 180 (section 66273.18).
- A small quantity handler of universal waste must prepare proper shipping papers. These papers may be a bill of lading. A Uniform Hazardous Waste Manifest is not needed for universal waste shipments.
- A small quantity handler of universal waste may self-transport universal waste (use their own vehicle) or may use any common carrier allowed by U.S. DOT and California law to transport non-hazardous waste. A registered hazardous waste hauler is not required for transportation of universal waste.
- The universal waste must be shipped to another small quantity handler of universal waste, a large quantity handler of universal waste, or a destination facility. When shipping or receiving universal waste, specific rules apply regarding accepting shipments containing hazardous wastes which are not universal wastes and shipments which are rejected (section 66273.18).
- A small quantity handler of universal waste is not required to track or keep records of shipments of universal waste (section 66273.19).

- A small quantity handler of universal waste sending universal waste outside the country must comply with regulations addressing export of universal waste (section 66273.20).

VI. What will happen next with the Universal Waste Rule?

The current Universal Waste Rule was adopted as an emergency regulation. These regulations are effective for only a limited time. DTSC must replace these emergency regulations with permanent regulations. The permanent regulations will be made available for public review and comment in early to mid 2000. To receive notice that these regulations are available for public review and comment, request to be placed on the "AllRegs" mailing list:

Phone line: (916) 324-9933
E-mail: jferber@dtsc.ca.gov

VII. Whom can I contact for further information?

For further information about the universal waste rules or the general hazardous waste rules, please contact DTSC's regional duty officers:

Sacramento Office:	Noel Lavery, (916) 255-3617
Bay Area Office:	James Stettler, (510) 540-3739
Glendale Office:	Andre Amy, (818) 551-2830
Cypress Office:	Suwan Sonkprasha, (714) 484-5400